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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,785	08/31/2001	Thomas Stuart Levin	13DV13925	1042

31852 7590 01/03/2005
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EXAMINER

NGUYEN, CAM LINH T

ART UNIT	PAPER NUMBER
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2161

DATE MAILED: 01/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/943,785

Applicant(s)

LEVIN ET AL.

Examiner

CamLinh Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's amendments to claims 1 – 17 are acknowledged. Consequently, rejection to claims 1 – 17 under Double Patenting section is withdrawn.
2. Applicant's amendments to claims 1 – 17 are acknowledged. Consequently, rejection to claims 1 – 17 under *35 USC § 112* is withdrawn.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1 – 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Daniel et al (U.S. 2002/0022984) in view of Yansheng Jiang (U.S. 6,564,375).

♦ As per claim 1, 11,

Daniel et al (U.S. 2002/0022984) discloses a method for accessing and uploading web based information for internal and external users using a system which includes:

- "A server configures with a database" See Fig. 1, element 28, 30,
- "At least one client system" (Fig. 1, element 22, 26)
- "Allowing a user to download information from the database including service enhancement and upgrade opportunities" See page 3, paragraph 0032.
- "At least one computer" See Fig. 1, element 22, 26.

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- “ An input means to filter information between the user and the server” See Fig. 1, element 14, paragraph 0028.
- “ An interface between the at least one computer and the server” Se Fig. 1, element 14, 15.
- “ Said server capable of receiving information input into the database for upload to said server including product identification information”

Daniel discloses a method for an end user using the wizard, and not a back end system wherein the programmer develops the wizard.

However, Jiang, on the other hand, discloses a method for creating a wizard for other user uses in installation processing (col. 4, lines 12 – 13, Jiang), and the information or wizards are stored in database 500 (col. 9, lines 30 – 50, Jiang).

It would have been obvious to one with ordinary skill in the art at the time the invention was made to apply the teaching of Jiang into the invention of Daniel because the combination would provide a complete system or a full life circle of a software, where the product must be first created in order for the user uses it.

♦ As per claim 2, 13, the combination of Daniel and Jiang disclose:

- “The product information from the user is reviewed for potential service opportunities”
See Fig. 10A, element 204, page 8, paragraph 73. Daniel teaches that, based on the characteristics of the equipment, the system will provide instruction to the service personnel. Therefore, the product information is reviewed for potential service opportunities.

♦ As per claim 3, the combination of Daniel and Jiang disclose:

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- “The input means comprises a wizard” See Fig. 1, element 18, Fig. 5.
- ◆ As per claim 4, 12, the combination of Daniel and Jiang disclose:
 - “Access to said server is configured to be secured by user password” See paragraph 0040.
- ◆ As per claim 5, the combination of Daniel and Jiang disclose:
 - “Said user comprises multiple users” See Fig. 1, element 22 – 26, paragraph 0028.
- ◆ As per claim 6 - 7, 17, the combination of Daniel and Jiang disclose:
 - “The database is owned by an owner entity” See page 4, paragraph 36. Daniel teaches that the transportation company owned the location map that is stored in the database. In other word, the transportation company owns this database.
 - “The multiple users comprise users internal to the owner entity and users external to the owner entity” See page 4, paragraph 36. Daniel teaches that there are at least two users in the locomotive system.
 - The users that using the transportation corresponds to the “external users”.
 - The users that using the system to repair the locomotive corresponds to the “internal users”.
- ◆ As per claim 8, the combination of Daniel and Jiang disclose:
 - “The interface is provided by web pages that can be transmitted from the database to the user” See Fig. 7, page 5, paragraph 0042.
- ◆ As per claim 9, 15 – 16, the combination of Daniel and Jiang disclose:
 - “The service enhancement and upgrade opportunities comprise service bulletins” See page 5, paragraph 0043, 0049, 0054.

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◆ As per claim 10, 14, the combination of Daniel and Jiang disclose:

- “Server is configured to stored and download text and digital images” See paragraph 0032, 0073.

Response to Arguments

5. Applicant's arguments with respect to claims 1 - 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CamLinh Nguyen whose telephone number is (571) 272-4024. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nguyen, Cam-Linh

LN



**ALFORD KINDRED
PRIMARY EXAMINER**